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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,460	06/22/2006	Toshiyuki Zento	1011350-000375	3318
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EXAMINER MCNALLY, DANIEL				
ART UNIT 1791		PAPER NUMBER		
NOTIFICATION DATE 08/20/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary

Application No.

10/584,460

Applicant(s)

ZENTO ET AL.

Examiner

DANIEL MCNALLY

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-5, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savitski et al. (US2002/0100540, of record, previously cited, herein "Savitski") in view of Ruotsalainen (US2002/0179233, of record, previously cited), and Woo et al. (US5356709, of record, previously cited, herein "Woo") for the same reasons expressed in paragraph 5 of the Office action mailed 2/24/2009. With respect to the new limitation of the thin tube comprising the tubular body (b), which is inserted with the thick tube comprising tubular body (a), Savitski shows a plurality of different arrangements of the tubes in overlapping connections, wherein any of the tubes shown on the outside of an overlapping portions of the tubes can be considered to be the thin tube (tubular body (a)) and any of the tubes shown on the inside of the overlapping portions can be considered the thick tube (tubular body (b)).
3. Claims 1 and 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savitski in view of Ruotsalainen, and Hatakeyama (US6391972, of record, previously cited) for the same reasons expressed in paragraph 6 of the Office action mailed 2/24/2009. With respect to the new limitation of the thin tube comprising the tubular body (b), which is inserted with the thick tube comprising tubular body (a), Savitski shows a plurality of different arrangements of the tubes in overlapping connections, wherein any of the tubes shown on the outside of an overlapping portions

of the tubes can be considered to be the thin tube (tubular body (a)) and any of the tubes shown on the inside of the overlapping portions can be considered the thick tube (tubular body (b)).

Response to Arguments

4. Applicant's arguments filed 5/20/2009 have been fully considered but they are not persuasive. Applicant argues Ruotsalainen requires providing an annular rib or an annular protrusion when fitting together two workpieces, that Savitski requires a recess on the pipes to be joined, and that the means of Ruotsalainen and Savitski are contrary to each other therefore one of ordinary skill would not combine the two references together. However Ruotsalainen does not require an annular rib is used. Ruotsalainen merely states that one part can be partially received in the other part and that the fit between the parts is an interference fit (paragraphs 0008-0013). Ruotsalainen acknowledges an interference fit can be formed by many different shapes of the parts, and that an annular rib is merely one alternative and is by no means required. Additionally Savitski also does not require the use of a recess. The recess is merely one possible alternative and is by no means required. One in view of the generic teachings of Savitski and Ruotsalainen would have been motivated to combine the references as discussed in the rejections, as there are no contradictions, as asserted, between Savitski and Ruotsalainen.

Applicant also argues Ruotsalainen teaches joining housing parts, and asserts the outer housing naturally would be harder than the inner housing. Ruotsalainen is not limited to joining housing parts, and Ruotsalainen teaches the method generally relates

to joining of plastic parts (paragraphs 0001, 0008). Additionally there is no evidence that an outer housing would naturally be harder than an inner housing, for example the outer housing could have been designed to cushion the inner housing from impacts therefore the outer housing could have been made of a softer material to absorb the impact. The applicant's assertion is not supported by any evidence and it is not the only possible design.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DANIEL MCNALLY** whose telephone number is (571)272-2685. The examiner can normally be reached on **Monday - Friday 8:00AM-4:30PM**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel McNally/
Examiner, Art Unit 1791

/John L. Goff/
Primary Examiner, Art Unit 1791

DPM
August 10, 2009